

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION**

TITUS JAY TRAVIS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 18-03084-CV-S-BP
	)	
JUSTIN BUTLER,	)	
	)	
	)	
Defendant.	)	

**MOTION FOR SUMMARY JUDGMENT**

COMES NOW the Defendant, Sergeant Justin Butler, by and through counsel of record, Keck, Phillips & Wilson, LLC and, pursuant to Rule 56 of the Federal Rules of Civil Procedure and this Court's Local Rules, states the following to the Court:

1. Defendant's requests for admission are deemed admitted under Rule 36 due to Plaintiff's failure to respond.
2. The Complaint contains only official capacity claims, and fails to meet the standard for imposing liability upon the City of Carthage under 42 U.S.C. § 1983 and *Monell v. Dep't of Social Servs. Of City of New York*, 436 U.S. 658 (1978).
3. The undisputed facts demonstrate that Sergeant Butler is entitled to summary judgment on Plaintiff's claim of unlawful arrest and excessive force because:
  - a. Sergeant Butler's arrest of Plaintiff was lawful, and based on probable cause; and
  - b. Sergeant Butler used reasonable force to affect Plaintiff's arrest.
4. The undisputed facts demonstrate that Sergeant Butler did not falsify facts and evidence.

5. The undisputed facts demonstrate that Sergeant Butler is entitled to judgment on the claims of deliberate indifference and/or cruel and unusual punishment because Plaintiff did not have a serious medical need and, even if he did, Butler fulfilled his constitutional duties.

6. Even if the Court finds that Sergeant Butler violated Plaintiff's rights, he is nonetheless entitled to qualified immunity on the claims of false arrest, seizure without probable cause and excessive force because he did not violate clearly established rights.

7. The facts and legal arguments supporting this Motion are fully set out in Defendant's contemporaneously-filed Statement of Uncontroverted Material Facts, and Defendant's Suggestions in Support, both of which are incorporated by this reference as though fully set forth herein.

WHEREFORE, for the foregoing reasons, Defendant respectfully requests the Court enter summary judgment in Defendant's favor on all counts set out in the Complaint, dismiss the Complaint at Plaintiff's cost, and award Defendant his costs and fees herein. Defendant requests the Court enter such other and further relief to which Defendant may show himself justly entitled.

Respectfully submitted,

**KECK, PHILLIPS & WILSON, L.L.C.**

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### **CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the above and foregoing document was served via e-mail, certified mail, and the Court's ECF system this 2nd day of August, 2019 to:

Mr. Travis Titus  
2430 Kentucky Ave.  
Joplin, MO 64804  
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